

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

GUSTAVO ESTRADA,

Plaintiff,

vs.

DOUGLAS GILLESPIE, et al.,

Defendants.

Case No. 2:13-cv-00280-APG-PAL

**ORDER**

This matter is before the court on Plaintiff's Motion to Show Cause (Dkt. #26) filed September 9, 2013. The court has considered the Motion.

Plaintiff is a prisoner proceeding pro se. He filed his civil rights complaint in state court on September 5, 2012, and Defendants removed it to federal court on February 20, 2013. *See* Petition for Removal (Dkt. #1). On February 27, 2013, Defendants Gillespie and Munoz filed a Motion to Dismiss (Dkt. #4), and on April 2, 2013, Defendants Varner, Albright, Holliday, Marchi and Trost filed a Motion to Dismiss (Dkt. #11), both of which are pending before the district judge. On July 11, 2013, the court entered an Order (Dkt. #22) requiring the parties to file certificates of interested parties in compliance with Local Rule 7.1-1 on or before July 23, 2013. The Order warned the parties that failure to comply could result in the issuance of an order to show cause why sanctions should not be issued. *Id.* Plaintiff failed to file his certificate of interested parties and did not request an extension of time in which to comply with the court's Order.

On September 9, 2013, the court entered an Order to Show Cause (Dkt. #25) based on Plaintiff's failure to comply with the court's previous Order. The court directed Plaintiff to show cause in writing no later than September 3, 2013, why he had not complied with the court's Order. The Order to Show Cause advised Plaintiff that failing to comply with the Local Rules of Practice, the Federal

Rules of Civil Procedure, and the court's orders could result in sanctions, up to and including case-dispositive sanctions.

Plaintiff's Motion to Show Cause is actually a response to the court's Order to Show Cause. In it, Plaintiff asserts he complied with the court's original Order for a certificate of interested parties by depositing a copy of his certificate for mailing with the law library at High Desert State Prison on July 17, 2013. He has attached a copy of that certificate to his Motion as Exhibit A. The certificate represents that there are no other parties with an interest in the outcome of this litigation. *Id.* Plaintiff asserts he lost control of the mail when he left it with the law library, and he is currently involved in grievance proceeding concerning the law library's handling of his legal mail.

Having reviewed and considered the matter,

**IT IS ORDERED:**

1. The Clerk of Court shall detach the Certificate of Interested Parties attached to the Motion (Dkt. #26) as Exhibit A and file it in the court's record.
2. The court is satisfied that Plaintiff did not intentionally disregard the court's Orders (Dkt. ##22, 25) or the requirements of LR 7.1-1, and sanctions are not warranted.

Dated this 17th day of October, 2013.

  
PEGGY A. FEEN  
UNITED STATES MAGISTRATE JUDGE